

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 16, 1999**

**DIVISION ONE**

B113866      In re Elmer Gerard Pratt                      (Certified for Publication)  
                 on  
                 Habeas Corpus

The order (Memorandum of Decision) filed May 29, 1997 is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

**DIVISION TWO**

B114443      Waffer International Corporation                      (Certified for Publication)  
                 v.  
                 Khorsandi, et al.

The summary judgment is reversed. The matter is remanded for further proceedings not inconsistent with this opinion. Appellant to recover costs.

Zebrowski, J.

We concur:    Boren, P.J.  
                 Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B116536      Ross, et al.                  (Not for Publication)  
v.  
Rahe, et al.

The judgment in favor of the Rubin & Rahe Profit Sharing Plan against Norman C. Ross and Gloria S. Ross is affirmed. The judgment in favor of S. Syd Rahe, Sharon C. Rahe, and the Sharon and Syd Rahe Revocable Trust dated August 12, 1982, against Norman C. Ross and Gloria S. Ross is affirmed.

The judgment in favor of the Rubin & Rahe Profit Sharing Plan against Trust One of the N. Joseph and Jeanette Ross Living Trust Dated May 3, 1985, is reversed. The judgment in favor of S. Syd Rahe, Sharon C. Rahe, and the Sharon and Syd Rahe Revocable Trust Dated August 12, 1982, against Trust One of the N. Joseph and Jeanette Ross Living Trust Dated May 3, 1985, is reversed.

The parties shall bear their own costs on appeal.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Fukuto, J.

B116823 People (Not for Publication)  
v.  
Freire

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

February 16, 1999-Continued

## DIVISION TWO (Continued)

B121798      Levin      (Certified for Publication)  
v.  
Gulf Insurance Group, etc., et al.

The judgment of dismissal filed on March 11, 1998, is reversed. Appellant is awarded costs on appeal.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

B118079      Markel      (Not for Publication)  
v.  
City of Los Angeles

The judgment is reversed. The matter is remanded to the trial court to permit discovery in accordance with this opinion and further rule on respondents' special motion to strike pursuant to California Code of Civil Procedure section 425.16. The parties are ordered to bear their own costs.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Zebrowski, J.  
Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B119428      Dapeer      (Not for Publication)  
v.  
Partnership Liquidity Exchange, et al.

The judgment is affirmed. Respondents are entitled to recover from appellant their costs on appeal, including the cost of preparing the respondents' appendix.

Boren, P.J.

We concur: Zebrowski, J.  
Mallano, J. (Assigned)

B113865 People (Not for Publication)  
v.  
Miller

The judgment is modified to add a restitution in the sum of \$1,000 pursuant to section 1202.45. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the imposition of the \$1,000 restitution fine imposed pursuant to section 1202.4, and the \$1,000 fine imposed pursuant to section 1202.45. The trial court shall sent the corrected abstract of judgment to the Department of Corrections.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

DIVISION THREE

B127270 Christine M., & Eusebio V. (Certified for Partial Publication)  
v.

Superior Court, Los Angeles County  
(Los Angeles County Department of Children & Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur: Croskey, J.  
Aldrich, J.

B119108 People (Not for Publication)  
v.  
Nathan Thomas

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.  
Aldrich, J.

B121253 People (Not for Publication)  
v.  
David Lastrape

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.  
Kitching, J.

### DIVISION THREE (Continued)

B118681      People                                  (Not for Publication)  
v.  
Robert Scott Dubner

The judgment of conviction is affirmed. The Three Strikes sentence is reversed and the matter is remanded for trial on the prior conviction allegations. In addition, the trial court is ordered to impose the proper parole revocation fine. The clerk of the superior court shall prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Klein, P.J.

We concur:   Croskey, J.  
                          Kitching, J.

B119029 People (Not for Publication)  
v.  
Robin H.

The order committing Robin Wayne H. to camp community placement is vacated and the matter is remanded for a declaration by the juvenile court as to whether the offense of receiving stolen property is a misdemeanor or felony and for recalculation of the maximum period of physical confinement in accordance with this opinion. In all other respects, the order continuing wardship is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION THREE (Continued)

B115221      Mark Alan Johnson      (Not for Publication)

v.

City of Diamond Bar

The judgment is affirmed. Costs on appeal awarded to the City of Diamond Bar.

Kitching, J.

We concur:    Croskey, Acting P. J.  
                 Aldrich, J.

B119966      Ramon Kuzbicki      (Not for Publication)

v.

Harward A. Stearns, et al.

The judgment is affirmed. Stearns is awarded costs on appeal.

Kitching, J.

We concur:    Klein, P.J.  
                 Aldrich, J.

B121934      Rafat Efraim      (Not for Publication)

v.

Total Health Connection, et al.

The summary judgment is affirmed. The award to Efraim of attorney fees in the amount of \$34,500 is reversed.

The parties are to bear their own costs on appeal.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

## February 16, 1999-Continued

DIVISION FOUR

B121036      Xavier Pro      (Not for Publication)  
v.  
Advance Overhead Door, Inc.

The summary judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B120169 People (Not for Publication)  
v.  
Berry

The judgment is modified to reflect a \$200 restitution fine and a \$200 parole revocation fine, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment which recites these modifications.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B115311 People v. Benson (Not for Publication)

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.



We concur: Hastings, J.  
Curry, J.

We concur: Grignon, J.  
Godoy Perez, J.

DIVISION FIVE (Continued)

B121245      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Anabe J.

The order under review is affirmed.

Turner, P.J.

We concur:   Grignon, J.  
                 Godoy Perez, J.

B113708      Paul Bashkin      (Not for Publication)  
                 v.  
                 Lewis Koss et al.

The judgment is affirmed. Defendant, Lewis M. Koss, is to recover his costs on appeal from plaintiff, Paul Bashkin.

Turner, P.J.

We concur:   Armstrong, J.  
                 Godoy Perez, J.

B122277      People      (Not for Publication)  
                 v.  
                 Georbe Flores

The true findings as to the prior felony conviction allegations are reversed. The matter is remanded to the trial court for further proceedings on the prior felony conviction allegations, the imposition of the mandatory parole revocation restitution fine, and modification of the abstract of judgment. In all other respects, the judgment is affirmed.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                 Godoy Perez, J.

DIVISION FIVE (Continued)

B116834      John Chelson                      (Not for Publication)  
                 v.  
                 Ellen v. Petterson, et al.

The judgment is affirmed. Respondent to recover costs on appeal.

Armstrong, J.

We concur:   Turner, P.J.  
                 Godoy Perez, J.

B121799      Robbie Ziegler                      (Not for Publication)  
                 v.  
                 Murray Tanzer et al.

The judgment is affirmed. Respondents to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Godoy Perez, J.

B120387      Metro-Goldwyn-Mayer, Inc.              (Not for Publication)  
                 v.  
                 The Walt Disney Company

The judgment is affirmed. MGM is to pay Disney's costs on appeal.

Grignon, J.

We concur:   Turner, P.J.  
                 Armstrong, J.

## February 16, 1999-Continued

DIVISION SIX

B102053      Feola et al.      (Not for Publication)  
v.  
Mid-Century Insurance Company et al.

The judgment is affirmed. Respondents are awarded their costs.

Coffee, J.

We concur: Yegan , Acting P.J.  
Stone, J. (Assigned)

B120658      Mardesich      (Certified for Publication)  
v.  
California Youthful Offender Parole Board

The judgment is reversed and the matter is remanded to the trial court with directions to reconsider Mardesich's petition for writ of mandate under the independent standard of review.

Stone, J. (Assigned)

We concur: Yegan , Acting P.J.  
Coffee, J.

## DIVISION SEVEN

B115334      Hartford Accident & Indemnity Co.      (Not for Publication)  
v.  
Hawkins, Schnabel Lindahl & Beck

The order denying the motion for leave to amend the complaint is affirmed. The judgment is reversed. Each party to bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed. The trial court shall cause its clerk to prepare an amended abstract of judgment stating the restitution fine imposed under section 1202.4.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

B116188 People (Not for Publication)  
v.  
Day

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B121124 People (Not for Publication)  
v.  
Lara

The judgment is affirmed.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

February 16, 1999-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is reversed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B117372 People (Certified for Publication)  
v.  
Rivera

The judgment is affirmed to impose six consecutive 25-year-to-life terms, and as modified, is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B127284      In re      (Not for Publication)  
Yhutzel R., Rosa E., Diana M., Brian H. and Joshua H., Minors  
v.  
Superior Court, Los Angeles County  
(Department of Children and Family Services, Los Angeles  
County, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.